

REMARKS

Summary of the Office Action

In the Office Action, the allowability of claims 26-41 has been withdrawn.

The Office Action alleges that claims 26-41 are rejected under 35 U.S.C. § 251 as being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee.

The Office Action alleges that claims 26-41 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

The Office Action alleges that it is unclear which independent claim, 26 or 27, shows an optimum range of Rh.

The Office Action also alleges that claims 35, 37, 38 and 40 are outside the ranges which are claimed in independent claims 26 and 27.

The Office Action requests that the specification be amended to cross-reference the reissue continuation application 11/495,274.

Summary of the Response to the Office Action

Applicants amend the specification to include the cross-reference to reissue continuation application 11/495,274. Applicants respectfully have amended claims 35 and 37. Claims 38 and 40 are canceled without prejudice or disclaimer. Applicants respectfully submit that claims 26-37, 39, and 41 are allowable.

All Subject Matter Complies with 35 U.S.C. § 251

The Office Action alleges that claims 26-41 are rejected under 35 U.S.C. § 251 as being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee.

Applicants respectfully submit that the Office Action is incorrect. In particular, the Office Action is mistaken because the inventors (patentees) signed a Reissue Declaration by Inventors on August 3, 2000, the same day the assignee signed a Reissue Declaration by Assignee. See the attached copies with postcard from Applicants' file. Further, the reissue filing date of August 3, 2000 occurred within two years of the issue date of U.S. Patent No. 5,793,793 on August 11, 1998. Therefore, contrary to the allegations of the Office Action, the claims of the reissue application may be broadened if desired.

All Subject Matter Complies with 35 U.S.C. § 112, first paragraph

The Office Action alleges that claims 26-41 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

The Office Action alleges claims 26-41 are unsupported in the specification as presented in U.S. Patent No. 5,793,793. That is, it appears that the Office Action does not find support for the optimum ranges of the Rh content of the alloy discussed in the specification, and is confused by different combinations of ranges for the chip located on the tip-end face of the central electrode and the annular welding portion.

Applicants direct the Examiner to support for the claimed ranges as found in col. 2, line 28 through col. 3, line 30 of U.S. Patent No. 5,793,793. For example, it is understood that the

preferred range of the Rh content of the alloy may be from 18 to 22 wt %, but may be anywhere from 3 to 50 wt %. Thus, independent claims 26 and 27 have different ranges for the chip and the annular welding portion. The ranges for newly amended dependent claims 35 and 37 are supported by claim 27. That is, the claims 35 and 37 were amended to change the Rh amount to range "from 10wt% to 25wt% at 700°C." The Office Action's contention that the ranges in the dependent claims 38 and 40 are outside the scope of claim 26 is moot in light of their cancellation. Therefore, Applicants respectfully submit that the rejections of the claims 26-37, 39, and 41 should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Office Action feel that there are any issues outstanding after consideration of the Response, the Office Action is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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